Volume 41, Number 16 Pages 1025–1048 August 15, 2016

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER SECRETARY OF STATE

MISSOURI REGISTER

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Missouri



REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the Code of State Regulations in this system—

 Title
 Code of State Regulations
 Division
 Chapter
 Rule

 1
 CSR
 10 1.
 010

 Department
 Agency, Division
 General area regulated
 Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

Il emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

EMERGENCY AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels. The division is amending paragraph (1)(C)5.

PURPOSE: This amendment changes the vapor pressure exceptions date from May 1, 2016, to May 1, 2017.

EMERGENCY STATEMENT: This emergency amendment extends the volatility exception date allowed for gasoline containing up to fifteen percent (15%) ethanol from May 1, 2016, to May 1, 2017. This emergency amendment is necessary to protect the public health, safety, and welfare as this will prevent potential gasoline shortages in Missouri during the period of September 16, 2016, through May 1, 2017

Effective May 30, 2014, Missouri Code of State Regulations 2 CSR 90-30.040 subsection (1)(C), was amended to align Missouri's rule with the National Institute of Standards and Technology (NIST) Handbook 130 Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality, section IV. G. Uniform Engine Fuels and Automotive Lubricants Regulation. NIST Handbook 130 compiles the latest uniform laws and regulations adopted by the National Conference on Weights and Measures, Inc. (NCWM). This was done in order to establish national uniformity of regulations

related to motor fuel quality. It also provided protection from excessive gasoline volatility in the event of any changes that may occur if, and when, American Society for Testing and Materials (ASTM) International Designation:D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" is amended. The current rule also contains a sunset date of May 1, 2016, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier. This sunset language is also found in the NIST model regulation which many states use as their model regulations. At the ASTM D02 Committee on Petroleum Products, Liquid Fuels, and Lubricants meeting on June 28, 2016, ASTM failed to incorporate changes to the vapor pressure maximums for ethanol blends. The failure to incorporate changes places an immediate burden upon petroleum refineries to produce a lower volatile gasoline than has been traditionally allowed for the period September 16, 2016, through May 1, 2017. NCWM will be meeting July 23-28, 2016, to vote on approval to extend the sunset date to May 1, 2017. This will give ASTM additional time to incorporate changes to the vapor pressure requirements for gasoline-ethanol blends. This emergency amendment will be the same as NCWM's proposal and will become effective within three (3) days of each other. This will allow Missouri to have the same requirements as our neighboring states ensuring no disruption of gasoline supply to Missouri. Most of Missouri's gasoline is refined out of state and is distributed through a network of common carrier pipelines shared with many other states in our region. The vapor pressure allowance, as provided in this emergency amendment, is supported by the American Coalition for Ethanol, American Petroleum Institute, National Association of Convenience Stores, National Association of Truck Stop Operators, Petroleum Marketers Association of America, Renewable Fuels Association, and Society of Independent Gasoline Marketers of America. There is no known person or organization in opposition to this emergency amendment. Missouri's Renewable Fuel Standard Act (Chapter 414.255, RSMo) requires all gasoline, with only a few minor exemptions, to contain ten percent (10%) ethanol. Failure to provide this emergency amendment could result in special refinery batches of fuel for Missouri or it will require marketers to provide higher priced ethanol-free gasoline. In either case, increased cost to the consumer is expected and the possibility of fuel shortages could be expected if the date is not extended to May 1, 2017. As a result, the Weights, Measures and Consumer Protection Division has determined an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material will be simultaneously published in the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Weights, Measures and Consumer Protection Division believe this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 15, 2016, becomes effective July 25, 2016, and expires January 20, 2017.

- (1) Regulation Regarding Quality of Motor Fuels. The following fuels when sold, offered for sale, or when used in this state shall meet the following requirements:
- (C) All automotive gasoline containing oxygenated additives shall meet the requirements set in ASTM D4814 and the following requirements:
- 1. When methanol is blended in quantities greater than threetenths (0.3) volume percent, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol;
- 2. When gasoline contains nine percent (9%) to ten percent (10%) ethanol, a vapor pressure tolerance not exceeding one pound per square inch (1.0 psi) is allowed from June 1 through September 15;

- 3. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one pound per square inch (1.0 psi) vapor pressure tolerance is allowed for volatility classes A, B, C, and D from September 16 through May 31;
- 4. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one-half pound per square inch (0.5 psi) vapor pressure tolerance is allowed for volatility class E from September 16 through May 31; and
- 5. The vapor pressure exceptions in paragraphs (1)(C)2., 3., and 4. of this rule will remain in effect until May 1, [2016] 2017, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier;

AUTHORITY: section 414.142, RSMo 2000, and section 414.300, RSMo Supp. 2015. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 15, 2016, effective July 25, 2016, expires Jan. 20, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

ntirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder: **Boldface text indicates new matter**.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

PROPOSED AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels. The division is amending paragraph (1)(C)5.

PURPOSE: This amendment changes the vapor pressure exceptions date from May 1, 2016, to May 1, 2017.

- (1) Regulation Regarding Quality of Motor Fuels. The following fuels when sold, offered for sale, or when used in this state shall meet the following requirements:
- (C) All automotive gasoline containing oxygenated additives shall meet the requirements set in ASTM D4814 and the following requirements:

- 1. When methanol is blended in quantities greater than threetenths (0.3) volume percent, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol;
- 2. When gasoline contains nine percent (9%) to ten percent (10%) ethanol, a vapor pressure tolerance not exceeding one pound per square inch (1.0 psi) is allowed from June 1 through September 15.
- 3. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one pound per square inch (1.0 psi) vapor pressure tolerance is allowed for volatility classes A, B, C, and D from September 16 through May 31;
- 4. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one-half pound per square inch (0.5 psi) vapor pressure tolerance is allowed for volatility class E from September 16 through May 31; and
- 5. The vapor pressure exceptions in paragraphs (1)(C)2., 3., and 4. of this rule will remain in effect until May 1, [2016] 2017, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier;

AUTHORITY: section 414.142, RSMo 2000, and section 414.300, RSMo Supp. 2015. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 15, 2016, effective July 25, 2016, expires Jan. 20, 2017. Amended: Filed July 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, PO Box 630, Jefferson City, MO 65102. Hand carried copies may be delivered to the Missouri Department of Agriculture, Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, 1616 Missouri Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2250—Missouri Real Estate Commission Chapter 3—Applications for License; License Examinations

PROPOSED AMENDMENT

20 CSR 2250-3.010 Applications for License. The commission is adding new sections (5) and (7) and renumbering subsequent sections.

PURPOSE: This amendment clarifies the current licensing procedures during a renewal for new salesperson and broker applicants.

(5) Original salesperson type applications postmarked August 1 through September 30 of every even-numbered year will be

issued a license for the subsequent licensing period without being required to obtain continuing education or submit a renewal application.

[(5)](6) Broker Type License.

- (A) Every application for original broker type license shall be accompanied by proof acceptable to the commission that the applicant has met all applicable requirements of the license law and these rules, including, but not limited to:
- 1. Evidence of having been an actively licensed Missouri salesperson, or holding an active real estate license in another state or jurisdiction, for no less than twenty-four (24) of the last thirty (30) months immediately preceding the date of application for license;
- 2. Proof of successful completion of an approved forty-eight-(48-)*l-l* hour course of study known as the "Broker Pre-Examination Course" no more than six (6) months prior to the receipt date as affixed by the United States Postal Service or recognized common carrier, or the date the application is hand-delivered to the Missouri Real Estate Commission during regular business hours; and
- 3. Proof of satisfactory completion of both portions of the required examination after having completed the "Broker Pre-Examination Course."
- (7) Original broker type applications postmarked May 1 through June 30 of every even-numbered year will be issued a license for the subsequent licensing period without being required to obtain continuing education or submit a renewal application.
- [(6)](8) Applicants will have six (6) months after satisfactory completion of the required course(s) of study within which to pass the required examination and apply for license. After six (6) months, credit for such course(s) and examination will expire, and satisfactory completion of the required course(s) and examination must be repeated before applying for license.
- [(7)](9) The respective pre-examination course must be completed and the completion certificate received prior to the candidate attempting to take the required examination.
- [(8)](10) The commission may require an applicant for a license to furnish a recent passport-type photograph and court documents, as well as any other information deemed necessary by the commission to determine the applicant's qualifications for a license.
- [(9)](11) The commission reserves the right, at its discretion, to hold any application for a reasonable length of time for investigation.
- AUTHORITY: sections 339.090 and 339.120, RSMo Supp. [2008] 2013. This rule originally filed as 4 CSR 250-3.010. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2016.
- PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.
- PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.
- NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777, or via email at realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*, an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

•he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the Missouri Register begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 5—Inspections

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-5.010 Inspection Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2016 (41 MoReg 548–549). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE Division 100—Missouri Agricultural and Small Business Development Authority Chapter 11—Missouri Dairy Revitalization Programs

ORDER OF RULEMAKING

By the authority vested in the Missouri Agricultural and Small Business Development Authority under section 261.295, RSMo Supp. 2015, the authority adopts a rule as follows:

2 CSR 100-11.010 Dairy Producer Margin Insurance Premium Assistance Program **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 549–552). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE Division 100—Missouri Agricultural and Small Business Development Authority Chapter 11—Missouri Dairy Revitalization Programs

ORDER OF RULEMAKING

By the authority vested in the Missouri Agricultural and Small Business Development Authority under section 261.295, RSMo Supp. 2015, the authority adopts a rule as follows:

2 CSR 100-11.020 Missouri Dairy Scholars Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 553–554). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under section 660.017, RSMo 2000, the director adopts a rule as follows:

13 CSR 40-7.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 557–560). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Family Support Division (FSD), a division of the Department of Social Services (DSS), received eight (8) comments on the proposed rule.

COMMENT #1: Missouri Primary Care Association commented that former foster children are automatically enrolled in Medicaid at age eighteen (18) and remain enrolled until age twenty-six (26). RESPONSE: Effective January 1, 2014, 42 U.S.C. 1396r-1(e) was amended to allow states to elect the option to provide presumptive eligibility for individuals who are eligible for medical assistance, including former foster children under the age of twenty-six (26) years old. Missouri has elected this option. Missouri does not anticipate former

foster care youth needing to be covered by this provision, but wishes to give hospitals a process to assist former foster care youth who are eligible. No changes have been made to this rule as a result of this comment.

COMMENT #2: Missouri Primary Care Association asked if a child must be a citizen or qualified alien to receive presumptive MO HealthNet eligibility.

RESPONSE: Eligibility guidelines for presumptive MO HealthNet eligibility are the same as ongoing MO HealthNet eligibility based on preliminary information prior to verification of the information. This eligibility criterion includes the requirement for a qualified individual to meet citizenship criteria outlined in 42 CFR section 435.406. Self attestation of citizenship or qualified alien status is accepted to determine presumptive MO HealthNet eligibility. No changes have been made to this rule as a result of this comment.

COMMENT #3: Each Qualified Entity (QE) must meet performance standards in order to remain a presumptive eligibility qualified entity. The division must receive a regular MO HealthNet application for the appropriate program before the end of the presumptive eligibility period with respect to ninety percent (90%) of the participants determined to be presumptively eligible by the presumptive eligibility qualified entity. Missouri Primary Care Association states that Federally Qualified Health Centers (FQHCs) have and will continue to strongly encourage a full/regular application, but meeting a performance standard of ninety percent (90%) may be difficult. RESPONSE: Qualified Entities are given one (1) year from the date this regulation is promulgated to become compliant with this requirement. After this period, if the department determines that a Qualified Entity is not in compliance with this, the Qualified Entity is granted a corrective action period to attain compliance with this performance standard. No changes have been made to this rule as a result of this comment.

COMMENT #4: Each Qualified Entity must meet performance standards in order to remain a presumptive eligibility qualified entity. Ninety-five percent (95%) or more of the applications actually received by the division from participants determined to be presumptively eligible by the presumptive eligibility qualified entity must be approved as eligible for MO HealthNet benefits by the division. The Missouri Primary Care Association questioned the consequence if the QE correctly determines an application presumptively eligible based on the preliminary information provided to them and the division receives the application for regular MO HealthNet benefits, but the applicant fails to provide the needed information to complete the MO HealthNet eligibility determination.

RESPONSE: Applications denied because the applicant failed to meet eligibility criteria that are not listed in subsection (4)(H) of this rule will not count against the presumptive eligibility qualified entity for the purpose of this performance standard. If an applicant fails to cooperate by not providing the requested documentation needed to complete the MO HealthNet eligibility determination, it would not adversely affect the Qualified Entity's accuracy score. This clause is included in subsection (7)(C) of this rule. No changes have been made to this rule as a result of this comment.

COMMENT #5: The presumptive eligibility qualified entity is required to check whether the applicant already has current MO HealthNet coverage, or has received coverage under presumptive eligibility in the past twelve (12) months or, for pregnant women, during the current pregnancy. This determination of prior coverage must be made accurately with respect to ninety percent (90%) or more of its presumptive eligibility determinations. The Missouri Primary Care Association questioned the process in which a QE will obtain this information and commented that it would be quicker if trained OE staff could access this information on their own.

RESPONSE: Trained OE staff will have access to this information

through the MO HealthNet Web Portal (emomed.com). This site is already in use by MO HealthNet providers. No changes have been made to this rule as a result of this comment.

COMMENT #6: The presumptive eligibility qualified entity is required to check whether the applicant has received MO HealthNet benefits under presumptive eligibility in the past twelve (12) months or, for pregnancy determinations, during the current pregnancy. The presumptive eligibility qualified entity shall make this determination correctly with respect to ninety-eight percent (98%) or more of its presumptive eligibility applicants. The Missouri Primary Care Association questioned the process in which a QE will obtain this information and questioned how the QE staff could be held responsible for inaccurate information.

RESPONSE: Trained QE staff will have access to this information through the MO HealthNet Web Portal (emomed.com). This site is already in use by MO HealthNet providers. The QE will need to maintain documentation verifying where the information needed to make the presumptive eligibility determination was obtained. If there are a high number of incorrect determinations, the QE will have the opportunity to present documentation that the information given to them was incorrect, and they will have the opportunity for a corrective action plan. No changes have been made to this rule as a result of this comment.

COMMENT #7: The presumptive eligibility qualified entity shall make an accurate presumptive eligibility determination on ninety percent (90%) of its presumptive eligibility applicants, whether presumptive eligibility is approved or denied. The Missouri Primary Care Association requested clarification whether this requirement means the QE completed the correct calculation based on the preliminary information provided by the applicant.

RESPONSE AND EXPLANATION OF CHANGE: FSD acknowledges the need for clearer language in subsection (7)(F). Qualified Entities shall be accurate ninety percent (90%) of the time based on the information that is provided by the applicant on the presumptive eligibility application, and not on information later obtained by FSD during the formal application process. FSD will modify the language in subsection (7)(F) accordingly.

COMMENT #8: In the event the presumptive eligibility qualified entity does not submit a corrective action plan acceptable to the division or again fails to meet the performance standards set after approval by the division of a corrective action plan, the division may disqualify the provider as a presumptive eligibility qualified entity. Disqualification shall be for a minimum of a three (3) year period. At the conclusion of the disqualification period, the presumptive eligibility qualified entity may reapply and shall successfully complete training required by the department director in order to be reinstated. The Missouri Primary Care Association requested clarification whether QE's are subject to the disqualification any time the performance standards are not met, whether by a few percentage points or by more than that.

RESPONSE: All of the performance standards set forth in the rule must be met. If the QE does not comply with the performance standards, then the division will implement the corrective action plan process to ensure future compliance with the performance standards. FSD intends to establish a process to work with QE's to achieve greater quality control. In the event the presumptive eligibility qualified entity does not submit a corrective action plan acceptable to the division or again fails to meet the performance standards set in the rule, the QE will have ten (10) calendar days after receipt of a notice of disqualification to submit a request that the department reconsider the decision to disqualify. If the department director does not reconsider the disqualification decision, the QE is then subject to a minimum of a three (3) year disqualification period. No changes have been made to this rule as a result of this comment.

13 CSR 40-7.050 Presumptive Eligibility

- (7) In order to remain a presumptive eligibility qualified entity, a presumptive eligibility qualified entity must meet the following performance standards with respect to its presumptive eligibility determinations:
- (F) The presumptive eligibility qualified entity shall make an accurate presumptive eligibility determination based on the information provided from the applicant on the presumptive eligibility application on ninety percent (90%) of its presumptive eligibility applicants, whether presumptive eligibility is approved or denied, in the aggregate, for each calendar year, and for any shorter review period designated by the division. This standard shall be effective twelve (12) months from the date that the division approves the qualified entity's application to determine presumptive eligibility;

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2255—Missouri Board for Respiratory Care Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under section 334.840.2, RSMo 2000, and section 334.850, RSMo Supp. 2013, the board amends a rule as follows:

20 CSR 2255-1.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2016 (41 MoReg 627–629). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2267—Office of Tattooing, Body Piercing, and Branding Chapter 2—Licensing Requirements

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under sections 324.007 and 324.522, RSMo Supp. 2013, the office adopts a rule as follows:

20 CSR 2267-2.032 Military Training to Meet Requirements for Licensure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 630). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2267—Office of Tattooing, Body Piercing, and Branding Chapter 2—Licensing Requirements

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under sections 41.950 and 324.522, RSMo Supp. 2013, the office adopts a rule as follows:

20 CSR 2267-2.033 Renewal of License or Registration for Military Members is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 630). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures

FISCAL YEAR JULY 1, 2016–JUNE 30, 2017 BUDGET PLAN

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.025.10, RSMo Supp. 2014, which requires the Missouri Propane Safety Commission to prepare and submit a budget plan for public comment.

INCOME:

Estimated Assessments*	\$528,750
Interest Income	\$ 120
Total Income:	\$528,870

EXPENSES:

Furnishings, Equipment and Vehicle (Depreciation and	
Amortization)	\$ 19,300
Rent, Utility, and Communication Expenses	\$ 22,000
Professional and Contract Services	\$ 31,600
Operating Expenses	\$ 14,700
Personnel Expenses	\$267,000
Employee Benefits	\$ 59,000
Inspection and Meeting Expenses	\$ 68,250
Commissioner Expenses	\$ 10,900
Insurance Expenses	\$ 4,550
Total Expenses:	\$497,300
NET	\$ 31,570

^{*}Assessment rates: .00225/gallon

AUTHORITY: section 323.025.10, RSMo Supp. 2014.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed budget with the Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109-0302. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Dissolutions

MISSOURI REGISTER

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ELEVEN POINT LAND INVESTORS, LLC

On June 9, 2016, Eleven Point Land Investors, LLC, a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding Up with the Missouri Secretary of State, effective upon filing.

Any claims against the Company must be sent to Jane McNairn, Manager, 7051 Hollywood Boulevard, Los Angeles, California 90028. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

MISSOURI REGISTER

Rule Changes Since Update to Code of State Regulations

August 15, 2016 Vol. 41, No. 16

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedul	e			40 MoReg 1836
1 CSR 10-17.010	Commissioner of Administration		41 MoReg 660		
1 CSR 10-17.040	Commissioner of Administration		41 MoReg 661		
1 CSR 10-17.050 1 CSR 30-5.010	Commissioner of Administration		41 MoReg 666		
1 CSR 30-3.010	Division of Facilities Management, Design and Construction		41 MoPog 667		
1 CSR 40-1.050	Purchasing and Materials Management		41 MoReg 667 41 MoReg 671		
1 CSK 40-1.030	Fulchashig and Materials Management		41 Mokeg 0/1		
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2 CSR 30-9.010	Animal Health		41 MoReg 301	41 MoReg 895	
2 CSR 30-9.020	Animal Health		41 MoReg 301	41 MoReg 895	
2 CSR 30-9.030	Animal Health		41 MoReg 302	41 MoReg 896	
2 CSR 30-10.010	Animal Health	40 MoReg 1623	41 MoReg 548		 -
2 CSR 80-2.010	State Milk Board		41 MoReg 727		
2 CSR 80-2.020	State Milk Board		41 MoReg 727		
2 CSR 80-2.030	State Milk Board		41 MoReg 728		
2 CSR 80-2.040	State Milk Board		41 MoReg 728 41 MoReg 832		
2 CSR 80-2.050	State Milk Board		41 MoReg 832		
2 CSR 80-2.060	State Milk Board		41 MoReg 729		
2 CSR 80-2.070	State Milk Board		41 MoReg 729		
2 CSR 80-2.080 2 CSR 80-2.091	State Milk Board State Milk Board		41 MoReg 731 41 MoReg 731		
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2 CSR 80-2.101 2 CSR 80-2.110	State Milk Board		41 MoReg 732		
2 CSR 80-2.121	State Milk Board		41 MoReg 732		
2 CSR 80-2.130	State Milk Board		41 MoReg 733		
2 CSR 80-2.141	State Milk Board		41 MoReg 733		
2 CSR 80-2.151	State Milk Board		41 MoReg 734		 -
2 CSR 80-2.161	State Milk Board		41 MoReg 734		
2 CSR 80-2.170	State Milk Board		41 MoReg 734		
2 CSR 80-2.180 2 CSR 80-2.181	State Milk Board		41 MoReg 735		
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2 CSR 80-3.060	State Milk Board		41 MoReg 736		
2 CSR 80-3.120	State Milk Board		41 MoReg 736		
2 CSR 80-3.130	State Milk Board		41 MoReg 736		
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2 CSR 90-10.011	Weights and Measures		41 MoReg 939		41 MoReg 1003
2 CSR 90-10.012	Weights and Measures		41 MoReg 940		41 MoReg 1003
2 CSR 90-10.013	Weights and Measures		41 MoReg 940		41 MoReg 1003
2 CSR 90-10.014	Weights and Measures				41 MoReg 1003
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2 CSK 100-11:010	Development Authority		41 MoReg 549	This Issue	
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3 CSR 10-1.010	Conservation Commission		41 MoReg 481	41 MoReg 997	
3 CSR 10-7.410	Conservation Commission		41 MoReg 488	41 MoReg 997	
3 CSR 10-7.433	Conservation Commission		41 MoReg 488	41 MoReg 997	
3 CSR 10-7.455	Conservation Commission		41 MoReg 488	41 MoReg 998	
3 CSR 10-11.110	Conservation Commission		41 MoReg 489	41 MoReg 998	
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5 CSK 10-12.123	Consei vation Commission		41 MONES 409	+1 MIONES 1001	
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4 CSR 240-3.105	Public Service Commission	~	41 MoReg 305		
4 CSR 240-13.020	Public Service Commission		41 MoReg 307	41 MoReg 839	
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5 CSR 20-100.110	Division of Learning Services		41 MoReg 443		
5 CSR 20-100.120	Division of Learning Services		41 MoReg 443		.
5 CSR 20-100.180	Division of Learning Services		41 MoReg 307R	41 MoReg 841R	
5 CSR 20-200.110	Division of Learning Services		41 MoReg 832R	-6 -	
5 CSR 20-200.120	Division of Learning Services		41 MoReg 833R		 -
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CSR 20,000,270 Division of Learning Services 41 MoRey 341						
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Executive			
Orders	Subject Matter	Filed Date	Publication
	<u>2016</u>		
16-07	Declares that a State of Emergency exists in the State of Missouri and		
	directs that the Missouri State Emergency Operations Plan be activated		
	as a result of storms that began on May 25, 2016. This order shall	M 27 2016	41 M-D 020
16.06	terminate on June 26, 2016, unless extended.	May 27, 2016	41 MoReg 830
16-06	Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for		
	two years at the pleasure of the governor. The order also includes		
	qualifications and responsibilities for the post. Additionally the Missouri		
	Poet Laureate Advisory Committee is hereby established.	May 27, 2016	41 MoReg 828
16-05	Directs the Department of Public Safety, with guidance from the Missouri	141ay 27, 2010	11 1110105 020
10 02	Veteran's Commission and the Adjutant General of the State of Missouri,		
	to coordinate events with the World War I Centennial Commission that		
	recognize and remember efforts and sacrifices of all Americans during		
	World War I.	May 27, 2016	41 MoReg 826
16-04	Orders all departments, agencies and boards, and commissions, in the	, , , , , , , , , , , , , , , , , , ,	
	Executive Branch subject to the authority of the governor to take all		
	necessary action to amend initial employment applications by removing		
	questions related to an individual's criminal history unless a criminal		
	history would render an applicant ineligible for the position.	April 11, 2016	41 MoReg 658
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22,		
	2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to		
	temporarily suspend regulations in the aftermath of severe weather that		
	began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over		
	certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153
	<u> 2015</u>		
15-11	Activates the state militia in response to severe weather that began on		
	December 22, 2015.	Dec. 29, 2015	41 MoReg 151
15-10	Declares a state of emergency and directs that the Missouri State Emergency		
	Operations Plan be activated due to severe weather that began on		
	December 22, 2015.	Dec. 27, 2015	41 MoReg 149
15-09	Directs all Missouri Executive Branch agencies, as well as strongly encourage		
	all private employers, to review and determine how the practices contained in	1	
	the Harry S Truman School of Public Affairs preliminary guidelines and,		
	eventually the Pay Equity Best Practices Guidelines, can be utilized by their		
	agency or business and to identify and address any gender wage gap in	D 4 2015	41.14.D. 71
1	order to ensure that all Missourians receive equal pay for equal work.	Dec. 4, 2015	41 MoReg 71
15-08	Closes state offices Nov. 27, 2015.	Nov. 6, 2015	40 MoReg 1630
15-07	Dedicates and renames the state office building located at 8800 East 63rd		
	Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the	0-+ 20 2015	40 M-D 1620
15.00	48th governor of the state of Missouri.	Oct. 28, 2015	40 MoReg 1628
15-06	Lays out policies and procedures to be adopted by the Executive Branch of		
	state government in procuring goods and services to enhances economic		
	health and prosperity of Minority and Women Business Enterprises. This	Oat 21 2015	40 MoDog 1624
15-05	order supercedes Executive Order 05-30.	Oct. 21, 2015 July 14, 2015	40 MoReg 1624
15-05	Extends Executive Order 15-03 until August 14, 2015. Orders all departments, agencies, boards, and commissions to comply with	July 14, 2013	40 MoReg 1012
15-04	the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that	July 1, 2013	40 MIONES 1010
15-05	the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy	June 10, 2013	TO MICINES 940
15-02	deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the	171ay 22, 2013	TO MICINES 033
10-01	vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173
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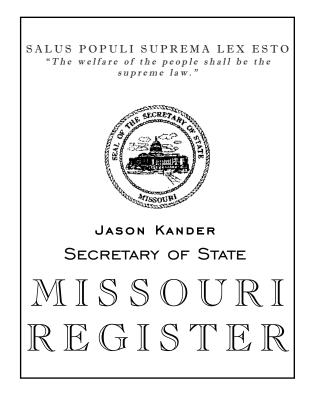
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